

**STANDARD APPLICATION**  
**Harford County**  
**Board of Appeals**  
 Bel Air, Maryland 21014

Case No. 5576  
 Date Filed 10/18/06  
 Hearing Date \_\_\_\_\_  
 Receipt \_\_\_\_\_  
 Fee \$450.00

OCT 26 2006

Shaded Areas for Office Use Only

**Type of Application**

- \_\_\_\_\_ Administrative Decision/Interpretation
- \_\_\_\_\_ Special Exception
- \_\_\_\_\_ Use Variance
- \_\_\_\_\_ Change/Extension of Non-Conforming Use
- \_\_\_\_\_ Minor Area Variance
- \_\_\_\_\_ Area Variance
- ☒ Variance from Requirements of the Code
- \_\_\_\_\_ Zoning Map/Drafting Correction
- \_\_\_\_\_ Special Development Approval

**Nature of Request and Section(s) of Code**

CASE 5576 MAP 48 TYPE Variance  
 ELECTION DISTRICT 03 LOCATION 1614 Carrs Mill Road, Fallston 21047  
 BY Dennis and Linda O'Brien  
 Appealed because a variance pursuant to Sec. 267-34(C) Table II of the Harford  
 County Code to allow a shed to be located within the 50 foot front yard setback (2 feet  
 proposed) in the AG district requires approval by the Board.

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

**Applicant/Owner (please print or type)**

Name Dennis F. O'Brien and Linda M. O'Brien Phone Number Call Attorney

Address 1614 Carrs Mill Road, Fallston, Maryland 21047  
Street Number Street City State Zip Code

Co-Applicant N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_

Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative Kevin J. Mahoney, Esquire Phone Number 410-893-7500

Address 11 South Main Street Bel Air MD 21014  
Street Number Street City State Zip Code

Rev. 12/02

## Land Description

**Address and Location of Property** 1614 Carrs Mill Road in Fallston, Harford County, Maryland

Subdivision   \*\*   Lot Number   3  

Acreage/Lot Size 8.64 Acres Election District 03 Zoning AG

Tax Map No. 48 Grid No. 2C Parcel 20 Water/Sewer: Public SEWER Public WATER

List ALL structures on property and current use: one single family dwelling and one detached shed

Estimated time required to present case: thirty minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No  X

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes X No       

Is this request within one (1) miles of any incorporated town limits? Yes \_\_\_\_\_ No X

## Request

SEE ATTACHED

## Justification

SEE ATTACHED

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

3 : 10/9/06  
13 : 3441  
hf2

**REQUEST:**

Variance from the requirements of Section 267-34 Table II of the Harford County Development Regulations to allow a shed within the fifty (50) foot front yard setback in the AG Zone.

**JUSTIFICATION:**

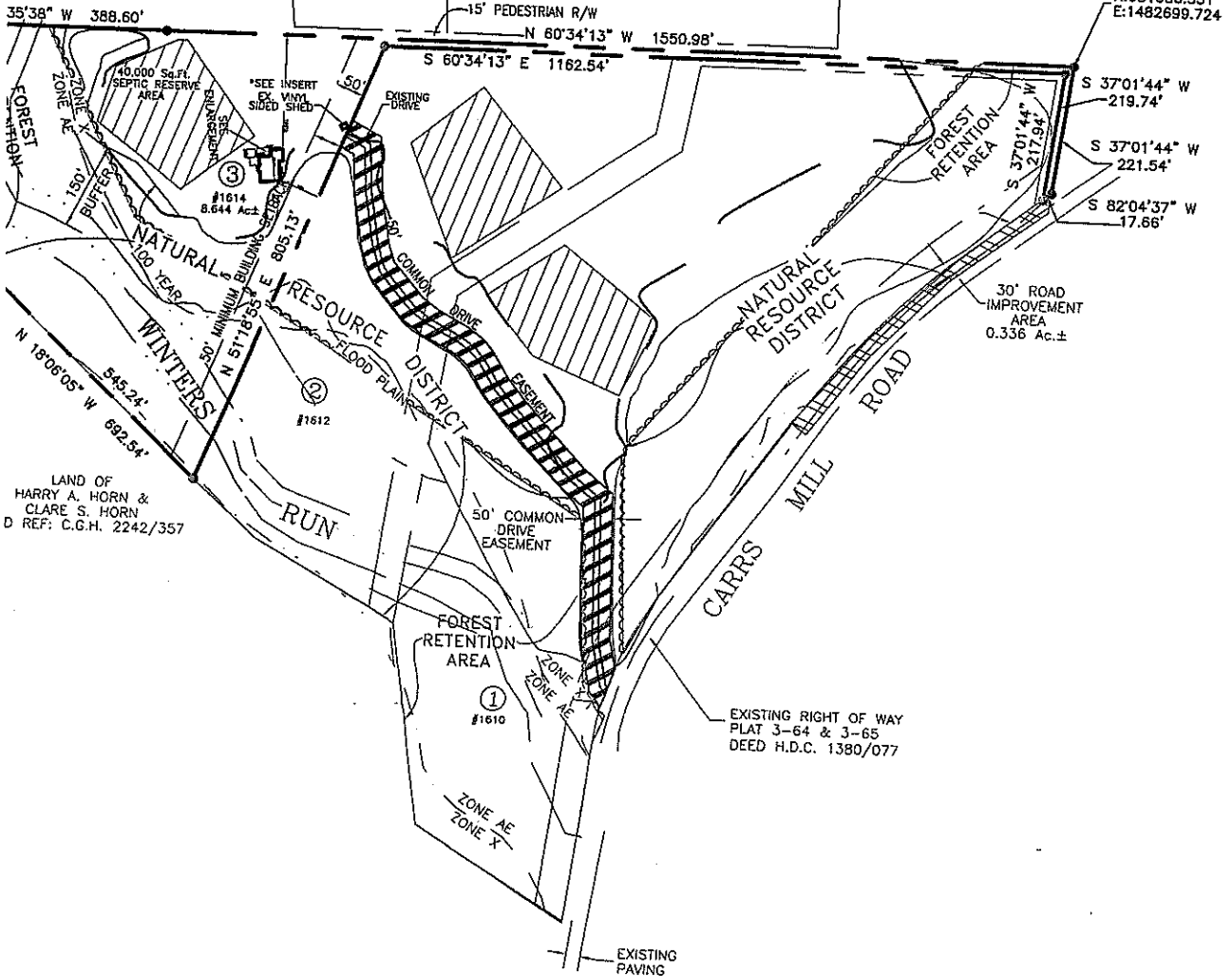
The subject property is unique in that it is an isolated, heavily wooded panhandle lot. Because of the topography of the property and the existing vegetation, it is difficult to locate the shed within the required setback. The shed is located in close proximity to the entrance to the subject drive from the common driveway. It serves a dual purpose of storing snow removal equipment for the long driveway as well as additional security for the residents as it gives the appearance of a gatehouse. The shed cannot be observed from surrounding properties and would have no adverse effect on said properties.

LAND OF  
SOLOMON'S CHOICE  
LIMITED PARTNERSHIP  
DEED REF: C.G.H. 2357/724

⑥  
FINAL SUBDIVISION PLAT  
SOLOMONS CHOICE  
94-61

⑦  
FINAL SUBDIVISION PLAT  
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LAND OF  
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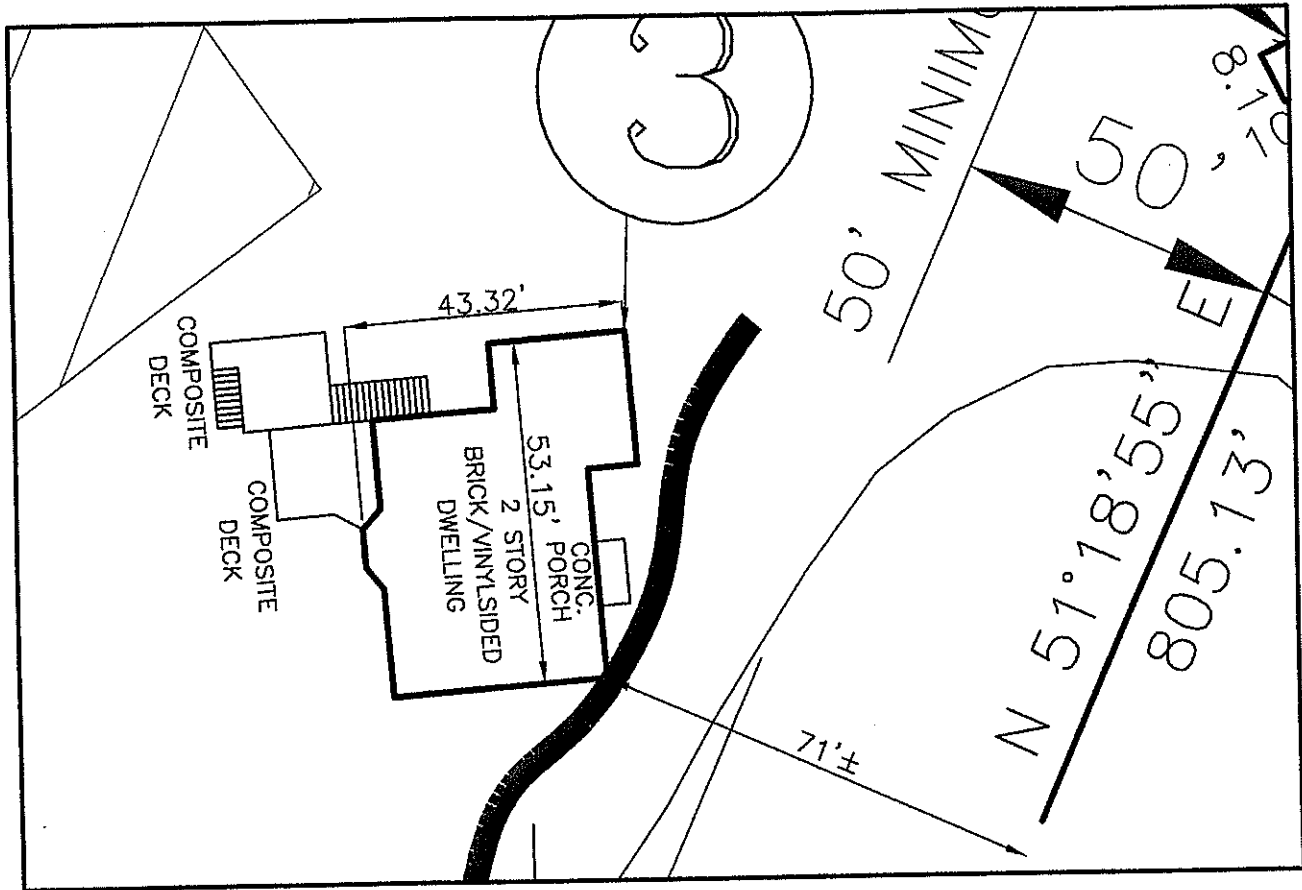


SCALE: 1"=200'  
SEE ENLARGEMENT



*Thomas Robert Stark*

\*INSERT  
SCALE: 1"=30'



ENLARGEMENT  
SCALE: 1"=30'

NOTE:  
THE PURPOSE OF THIS PLAT IS TO SHOW THE LOCATION  
OF AN EXISTING SHED AND HOUSE ON LOT 3 ONLY.

OWNER: DENNIS F. & LINDA M. O'BRIEN  
DEED REF: 4006-603  
PLAT BOOK: 103-18

**CNA**  
engineers, surveyors & landscape architects

Civil Engineers • Land Surveyors • Landscape Architects  
Planners • Geotechnical Engineers • Environmental Engineers  
215 Bynum Road  
Forest Hill, Maryland 21050  
Phone (410) 879-7200 • Fax (410) 838-1811  
E-mail: cnamail@cna-engineers.com

LOCATION DRAWING

LOT 3

FINAL PLAT LOTS 1-3

**LAND OF HUTCHINS**

#1614 CARRS MILL RD.

THIRD ELECTION DISTRICT

HARFORD COUNTY, MARYLAND

SCALE: AS SHOWN

DATE: 9-11-06

DRAWN BY: T.W.S.  
CHECK BY: TR.S.

BOOK : N/A

JOB NO.: 06123

**DAVID R. CRAIG**  
HARFORD COUNTY EXECUTIVE

**LORRAINE COSTELLO**  
DIRECTOR OF ADMINISTRATION



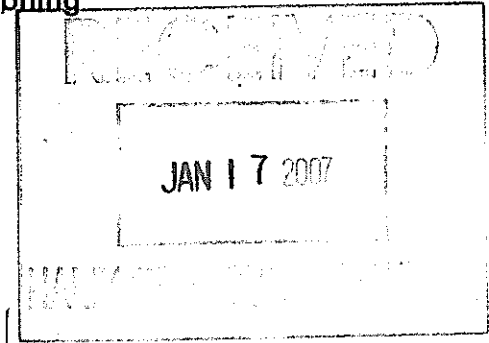
**C. PETE GUTWALD**  
DIRECTOR OF PLANNING AND ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

January 17, 2007

### STAFF REPORT



### BOARD OF APPEALS CASE NO. 5576

APPLICANT/OWNER: Dennis F. O'Brien  
1614 Carrs Mill Road, Fallston, Maryland 21047

Co-APPLICANT: Linda M. O'Brien  
1614 Carrs Mill Road, Fallston, Maryland 21047

REPRESENTATIVE: Kevin J. Mahoney, Esquire  
11 South Main Street, Bel Air, Maryland 21014

LOCATION: 1614 Carrs Mill Road – Land of Hutchins  
Tax Map: 48 / Grid: 2C / Parcel: 20 / Lot:3  
Election District:

ACREAGE: 8.64 acres

ZONING: AG/Agricultural

DATE FILED: October 18, 2006

HEARING DATE: January 24, 2007

### APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

*Preserving Harford's past; promoting Harford's future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410.638.3000 • 410.879.2000 • TTY 410.638.3086 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMAT UPON REQUEST.

## STAFF REPORT

Board of Appeals Case Number 5576

Dennis F. & Linda M. O'Brien

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### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to allow a shed to be located within the 50 foot front yard setback (2 feet proposed) in the AG/Agricultural District.

Section 267-34(C), Table II of the Harford County Code is enclosed with the report (Attachment 2).

### **LAND USE and ZONING ANALYSIS:**

#### **Land Use – Master Plan:**

The Applicant's property is located on the north side of Carrs Mill Road, west of Grafton Shop Road. It is part of a 3 lot subdivision recorded as Land of Hutchins (Plat 103/18). A location map, a copy of the record plat and a copy of the Applicant's site plan are enclosed with the report (Attachments 3, 4, and 5).

The subject property is located outside of the Development Envelope. The lot is located west of Bel Air and is designated as Rural Residential which is defined by the Master Plan as:

*Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 6 and 7).

#### **Land Use – Existing:**

The existing land uses in this area of the County generally conform to the intent of the Master plan. The area contains several single family developments. The area also contains agricultural uses and large areas of dense woodland. The topography of the area ranges from rolling to steep. A topography map and a copy of the aerial photograph are enclosed with the report (Attachments 8 and 9).

The Applicant's property is a panhandle lot approximately 8.644 acres in size. The panhandle to the lot is approximately 1,770± feet in length. The lot (Lot 3) is part of a 3 lot subdivision that was recorded in 2001 as the Lands of Hutchins (Attachment 10). Two other lots share the common drive. The property contains steep slopes. Winters Run traverses the western portion of all three lots. Improvements on the lot consist of a 2-story dwelling with an attached 2-car garage. The lot is mostly wooded except for the area around the dwelling. Enclosed with the

## STAFF REPORT

Board of Appeals Case Number 5576

Dennis F. & Linda M. O'Brien

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report are site photographs along with an enlargement of the aerial photograph (Attachments 11 and 12).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications are AG/Agricultural and RR/Rural Residential. The Development Envelope is located to the east of the subject property and includes R1 and R2 zoned property. The subject property is zoned AG/Agricultural as shown on the enclosed copy of the zoning map (Attachment 13).

### Zoning Enforcement:

This request is the result of a Zoning Enforcement Investigation. The Department received a complaint on June 6, 2005, that a shed without a permit was placed directly on the common driveway line which is shared by 2 other lots. The Department investigated the complaint on June 9, 2005 and found a small storage shed place on the property. The inspector was unable to locate a permit for the shed. It appeared that the shed was located in the front yard setback. Mrs. O'Brien was contacted at the time of the inspection and informed of the complaint. The Department officially notified the Applicant by letter on July 11, 2005, outlining the nature of the complaint as well as the code requirements. Enclosed with the report are copies from the enforcement file for informational purposes only (Attachment 14).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34(C), Table II of the Harford County Code to allow a shed to be located within the 50 foot front yard setback (2 feet proposed) in the AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Courts have stated that the need sufficient to justify the variance must be substantial and urgent and not merely for the convenience of the Applicant. The Department believes that there are other areas where the shed could be located that would meet the required setbacks. The topography and vegetation of the property do not limit the area available for the shed to this particular location. There are other areas around the driveway which could be used with a minimum amount of grading.



STAFF REPORT

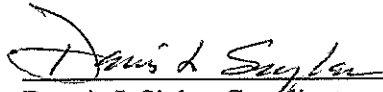
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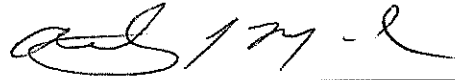
**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be denied.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review

DJS/ASM/dm



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning